

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

USDC Docket Number : 05-cr-10136

United States of America

v.

Mark Nutter

CLERK'S CERTIFICATE

I, Sarah A. Thornton, Clerk of the United States District Court for the District of Massachusetts, do hereby certify that the annexed documents numbered:

1-23, 28, 30-39, 42-57, 59-68

Not sealed documents

and contained in I Volume(s) are the original or electronically filed pleadings and constitute the record on appeal in the above entitled case for the Notice of Appeal filed on 2/22/2008.

In testimony whereof, I hereunto set my hand and affix the seal of this Court on March 3, 2008.

Sarah A Thornton, Clerk of Court

By:

Deputy Clerk

Receipt of the documents in the above entitled case is hereby acknowledged this date: 3/3/08

D. Baichard
Deputy Clerk, US Court of Appeals

Please complete the following information:

COURT OF APPEALS DOCKET NUMBER ASSIGNED: _____

CLOSED, VICTIM

**United States District Court
District of Massachusetts (Boston)
CRIMINAL DOCKET FOR CASE #: 1:05-cr-10136-RGS-1**

Case title: USA v. Nutter

Date Filed: 06/01/2005

Date Terminated: 02/26/2008

Assigned to: Judge Richard G. Stearns

Appeals court case number: 08-1097

First Circuit

Defendant (1)

Mark Nutter

TERMINATED: 02/26/2008

represented by **Stephen J. Weymouth**

Law Office of Stephen J. Weymouth
Suite 3

65a Atlantic Ave

Boston, MA 02110

617-573-9598

Fax: 617-367-1407

Email:

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LEAD ATTORNEY

ATTORNEY TO BE NOTICED

Designation: CJA Appointment

Pending Counts

18:844(i) and 2--Arson
(1)

18:1341 and 2--Mail Fraud
(2-4)

18:844(h)(1) and 2 Use of Fire to
Commit a Felony
(5)

Disposition

60 months to be served. Supervised
Release for 2 years.

60 months to be served, concurrent with
each other and concurrent with Count 1.
Supervised Release for 2 years,
concurrent with each other and
concurrent with Count 1.

120 months to be served, ON AND
AFTER SENTENCE IMPOSED ON
COUNTS 1-4. Supervised Release for 2
years, concurrent with Counts 1-4.
TOTAL SPECIAL ASSESSMENT of
\$500 to be paid forthwith.

Highest Offense Level (Opening)

Felony

Terminated Counts

None

Disposition

Highest Offense Level (Terminated)

None

Complaints

None

Disposition

Plaintiff

USA

represented by **William H. Connolly**
 United States Attorney's Office
 John Joseph Moakley Federal
 Courthouse
 1 Courthouse Way
 Suite 9200
 Boston, MA 02210
 617-748-3174
 Fax: 617-748-3960
 Email: William.Connolly@usdoj.gov
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

James P. Dowden
 United States Attorney's Office
 One Courthouse Way
 Suite 9200
 Boston, MA 02210
 617-748-3334
 Email: james.dowden@usdoj.gov
ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
06/01/2005	<u>1</u>	INDICTMENT as to Mark Nutter (1) count(s) 1, 2-4, 5. (Attachments: # 1) (Gawlik, Cathy) (Entered: 06/01/2005)
06/01/2005	<u>2</u>	Judge Richard G. Stearns : ORDER entered. ORDER REFERRING CASE to Magistrate Judge Robert B. Collings Reason for referral: pretrial proceedings as to Mark Nutter (Gawlik, Cathy) (Entered: 06/01/2005)
06/02/2005	<u>3</u>	Electronic Clerk's Notes for proceedings held before Judge Robert B. Collings :Arraignment as to Mark Nutter (1) Count 1.2-4.5 held on

		6/2/2005, Initial Appearance as to Mark Nutter held on 6/2/2005, Plea entered: Not Guilty on counts 1,2-4,5 by Mark Nutter. J. Lang (for W. Connolly) for Gov't, S. Weymouth with Def't. Pretrial Services. Max Penalties, Charges, and Rights read to the Def't. After review of financial affidavit court finds def't unable to afford an attorney and will appoint Att. Weymouth as Counsel for Def't. Gov't does not move for detention and Court sets conditions of Release. Initial Status Conf. set for July 13, 2005 @ 3:15 P.M. (Digital Recording.) (Russo, Noreen) (Entered: 06/03/2005)
06/02/2005	3	Arrest of Mark Nutter. (Russo, Noreen) (Entered: 06/03/2005)
06/02/2005	4	Judge Robert B. Collings : ORDER entered. MEMORANDUM AND ORDER as to Mark Nutter. Initial Status Conference set for Wednesday, July 13, 2005 @ 3:15 P.M. (Russo, Noreen) (Entered: 06/03/2005)
06/02/2005	5	Appearance Bond Bond Entered as to Mark Nutter in amount of \$ 25,000.00. (Russo, Noreen). (Entered: 06/03/2005)
06/02/2005	6	Judge Robert B. Collings : Electronic ORDER entered. ORDER Setting Conditions of Release as to Mark Nutter (1) 25,000.00. (Russo, Noreen) (Entered: 06/03/2005)
06/02/2005	7	Judge Robert B. Collings : ORDER entered. CJA 20 as to Mark Nutter: Appointment of Attorney Stephen J. Weymouth for Mark Nutter. (Russo, Noreen) (Entered: 06/06/2005)
07/12/2005	8	MOTION to Continue <i>Initial Status Conference</i> as to Mark Nutterby Mark Nutter, USA. (Connolly, William) (Entered: 07/12/2005)
07/12/2005		Judge Robert B. Collings : Electronic ORDER entered granting 8 Motion to Continue as to Mark Nutter (1). "Allowed to 8/3/2005 @ 11:30 A.M." (Russo, Noreen) (Entered: 07/12/2005)
08/03/2005		Electronic Clerk's Notes for proceedings held before Judge Robert B. Collings :Initial Status Conference as to Mark Nutter held on 8/3/2005. Wm. Connolly for Gov't, Att. Weymouth for Def't, Def't appears in the Courtroom. Def't requests relief from 116.3 requirements. Court allows until August 25, 2005. Court sets 45 days before trial for Gov't to file expert reports and 21 days for Def't. Counsel unsure about Motions that will be filed discovery or non-discovery. At this point a trial is anticipated, approx. 7 days. Final Status Conf. set for Thursday September 1, 2005 @ 9:30 A.M. (Digital Recording.) (Russo, Noreen) (Entered: 08/03/2005)
08/03/2005	9	Judge Robert B. Collings : ORDER entered. ORDER OF EXCLUDABLE DELAY as to Mark Nutter Time excluded from 6/1/2005 until 6/1/2005. Time excluded from 6/2/2005 until 6/2/2005. Time excluded from 6/3/2005 until 6/30/2005. Time excluded from 7/12/2005 until 7/12/2005. Time excluded from 7/13/2005 until 8/24/2005. Thus, as of August 24, 2005, ELEVEN (11) non-excludable days will have occurred leaving FIFTY-NINE (59) days left to commence trial so as to be within the seventy-day period for trial set by

		statute. (Russo, Noreen). (Entered: 08/04/2005)
08/03/2005	<u>10</u>	Judge Robert B. Collings : ORDER entered. REPORT AFTER INITIAL STATUS CONFERENCE PURSUANT TO LOCAL RULE 116.5 (A)as to Mark Nutter (Russo, Noreen) (Entered: 08/04/2005)
08/03/2005	<u>11</u>	Judge Robert B. Collings : ORDER entered. ORDER FOR FINAL STATUS CONFERENCE (L.R. 116.5(C)) as to Mark Nutter (Russo, Noreen) (Entered: 08/04/2005)
09/01/2005	<u>12</u>	Electronic Clerk's Notes for proceedings held before Judge Robert B. Collings :Final Status Conference as to Mark Nutter held on 9/1/2005. Wm. Connolly for Gov't, S. Weymouth for Def't. Mr. Weymouth requests a short period of time to continue Final Status. Court sets date of September 19, 2005 @ 11:00 A.M. for Further Final Status Conference. (Digital Recorder) (Russo, Noreen) (Entered: 09/01/2005)
09/01/2005	<u>13</u>	Judge Robert B. Collings : ORDER entered. FURTHER ORDER OF EXCLUDABLE DELAY as to Mark Nutter. Time excluded from 9/1/2005 until 9/1/2005. Time excluded from 9/2/2005 until 9/18/2005. Thus, as of September 18, 2005, EIGHTEEN (18) non-excludable days have occurred leaving FIFTY-TWO (52) days left to commence trial so as to be within the seventy-day period for trial set by statute. (Russo, Noreen) (Entered: 09/01/2005)
09/19/2005	<u>14</u>	ElectronicClerk's Notes for proceedings held before Judge Robert B. Collings :Further Final Status Conference as to Mark Nutter held on 9/19/2005. Wm. Connolly for Gov't, S. Weymouth for Def't. After review of final status report filed in court this date, Court indicates case should be returned to District Court Judge. (Digital Recording) (Russo, Noreen) (Entered: 09/19/2005)
09/19/2005	<u>15</u>	Judge Robert B. Collings : ORDER entered. FURTHER ORDER OF EXCLUDABLE DELAY as to Mark Nutter. Time excluded from 9/19/2005 until 9/19/2005. Thus, as of September 19, 2005, EIGHTEEN (18) non-excludable days have occurred leaving FIFTY-TWO (52) days left to commence trial so as to be within the seventy-day period for trial set by statute. (Russo, Noreen) (Entered: 09/19/2005)
09/19/2005	<u>16</u>	Judge Robert B. Collings : ORDER entered. ORDER AFTER FINAL STATUS CONFERENCE PURSUANT TO LOCAL RULE 116.5(C)as to Mark Nutter (Russo, Noreen). (Entered: 09/19/2005)
09/19/2005	<u>17</u>	Case as to Mark Nutter no longer referred to Magistrate Judge Robert B. Collings. (Russo, Noreen) (Entered: 09/19/2005)
09/19/2005	<u>18</u>	JOINT SUBMISSION pursuant to Local Rule 116.5(C) as to Mark Nutter (Flaherty, Elaine) (Entered: 09/22/2005)
09/20/2005	<u>19</u>	NOTICE of Initial Pre-Trial Conference as to Mark Nutter, entered."Counsel shall appear before Stearns, DJ on THURSDAY, SEPTEMBER 29, 2005AT 2:45 P.M." Mary Johnson, Courtroom Clerk. (Johnson, Mary) (Entered: 09/20/2005)

09/29/2005	●	ElectronicClerk's Notes for proceedings held before Judge Richard G. Stearns : Initial Pretrial Conference as to Mark Nutter held on 9/29/2005. AUSA Connolly present for the Govt. Atty. Weymouth present for the deft. Atty. Weymouth advises the Court that his client is presently hospitalized and he has not been able to confer with him. Atty. Weymouth seeks additional time, and Court so approves. A Further Status Conference is scheduled for Nov. 9, 2005 at 4:00 P.M. Speedy trial is waived on the record by the deft. through counsel. (Court Reporter James Gibbons.) (Johnson, Mary). (Entered: 09/29/2005)
11/01/2005	●16	MOTION for Authorization of Services or Funds (forensic accountant) as to Mark Nutter. (Flaherty, Elaine) (Entered: 11/03/2005)
11/01/2005	●17	MOTION for rewards, promised and inducements as to Mark Nutter. (Flaherty, Elaine) (Entered: 11/03/2005)
11/04/2005	●	Judge Richard G. Stearns : Electronic ORDER entered denying 16 Motion for Authorization of Services or Funds as to Mark Nutter (1)"Denied, without prejudice to the filing of a motion specifying the amount sought". R.G.Stearns, USDJ. (Johnson, Mary) Modified on 11/4/2005 (Johnson, Mary). (Entered: 11/04/2005)
11/09/2005	●	Electronic Clerk's Notes for proceedings held before Judge Richard G. Stearns : Further Status Conference as to Mark Nutter held on 11/9/2005. AUSA Connolly present for the Govt. Atty. Weymouth present for the deft. After colloquy with the Court, Atty. Weymouth asks for a further status conference in the next several weeks as he just received several pages of documents by the govt. and needs additional time to review those documents. Atty. Weymouth will re-file his motion for authorization of funds with a specific amount requested to hire a forensic specialist, for the Court's approval. A Further Status Conference is scheduled for December 21, 2005 at 10 A.M. Time is excluded from 11-9-05 to 12-21-05. (Court Reporter James Gibbons.) (Johnson, Mary) Modified on 11/14/2005 (Johnson, Mary). (Entered: 11/14/2005)
11/22/2005	●18	MOTION for Reconsideration as to Mark Nutter. (Weymouth, Stephen) (Entered: 11/22/2005)
11/29/2005	●	Judge Richard G. Stearns : Electronic ORDER entered granting 18 Motion for Reconsideration as to Mark Nutter (1)" Allowed.not to exceed \$6.000 without further authorization by the Court."STEARNS, DJ. (Johnson, Mary) (Entered: 11/30/2005)
12/21/2005	●	Electronic Clerk's Notes for proceedings held before Judge Richard G. Stearns : Further Status Conference as to Mark Nutter held on 12/21/2005. AUSA Connolly present for the Govt. Atty. Weymouth present for the deft. Atty. Weymouth needs further time to review the documents that the Govt. has submitted. and requests another further conference. That conference is scheduled for January 18, 2006 at 4:00 p.m. Speedy trial is waived by Atty. Weymouth on behalf of the deft. on the record. Adjourn 10:20 a.m. (Court Reporter James Gibbons.) (Johnson, Mary) Modified on 12/21/2005 (Johnson, Mary). (Entered: 12/21/2005)

		12/21/2005)
01/18/2006	●	Electronic Clerk's Notes for proceedings held before Judge Richard G. Stearns : Further Status Conference as to Mark Nutter held on 1/18/2006. Court sets jury trial to commence on Tuesday, May 30, 2006 at 9:00 a.m. Clerk to enter Trial Order. Speedy trial is waived by counsel for the deft. (Court Reporter James Gibbons.) (Johnson, Mary) Modified on 1/19/2006 (Johnson, Mary). (Entered: 01/19/2006)
01/19/2006	● <u>19</u>	Judge Richard G. Stearns : Electronic ORDER entered. PRETRIAL ORDER as to Mark Nutter : Time excluded from 1/18/2006 until 5/30/2006. Jury Selection set for 5/30/2006 09:00 AM in Courtroom 21 before Judge Richard G. Stearns. Jury Trial set for 5/30/2006 09:00 AM before Judge Richard G. Stearns. Final Pretrial Conference set for 5/25/2006 03:45 PM in Courtroom 21 before Judge Richard G. Stearns. Voir Dire set for 5/30/2006 09:00 AM in Courtroom 21 before Judge Richard G. Stearns. (Johnson, Mary) (Entered: 01/19/2006)
02/07/2006	● <u>20</u>	MOTION for Interim Compensation as to Mark Nutter. (Weymouth, Stephen) (Entered: 02/07/2006)
02/09/2006	●	Judge Richard G. Stearns : Electronic ORDER entered granting <u>20</u> Motion for Interim Compensation as to Mark Nutter (1). (Johnson, Mary) (Entered: 02/09/2006)
03/30/2006	● <u>21</u>	MOTION to Continue as to Mark Nutter. (Weymouth, Stephen) (Entered: 03/30/2006)
04/06/2006	●	Judge Richard G. Stearns : Electronic ORDER entered granting <u>21</u> Motion to Continue as to Mark Nutter (1). Jury Trial set for 10/10/2006 09:00 AM in Courtroom 21 before Judge Richard G. Stearns. Counsel shall file Trial Documents with the Court by October 3, 2006. (Johnson, Mary) (Entered: 04/07/2006)
06/15/2006	● <u>22</u>	MOTION for Authorization of Services or Funds as to Mark Nutter. (Weymouth, Stephen) (Entered: 06/15/2006)
06/15/2006	● <u>23</u>	MOTION to Continue as to Mark Nutter. (Weymouth, Stephen) (Entered: 06/15/2006)
06/27/2006	●	Judge Richard G. Stearns : Electronic ORDER entered granting <u>23</u> Motion to Continue as to Mark Nutter (1): Jury Selection set for 12/11/2006 09:00 AM in Courtroom 21 before Judge Richard G. Stearns. Jury Trial set for 12/11/2006 09:00 AM in Courtroom 21 before Judge Richard G. Stearns. (Johnson, Mary) (Entered: 06/27/2006)
06/29/2006	●	Judge Richard G. Stearns : Electronic ORDER entered granting <u>22</u> Motion for Authorization of Services or Funds as to Mark Nutter (1). (Johnson, Mary) (Entered: 06/30/2006)
08/16/2006	●	Judge Richard G. Stearns : Electronic ORDER entered finding as moot <u>17</u> Motion as to Mark Nutter (1). (Johnson, Mary) (Entered: 08/16/2006)
10/05/2006	● <u>24</u>	MOTION to Seal as to Mark Nutter by USA. (Johnson, Mary) (Entered: 10/05/2006)

		10/06/2006)
10/05/2006	25	Application by USA for Ex Parte Order as to Mark Nutter,filed. (Johnson, Mary) (Entered: 10/06/2006)
10/19/2006		Judge Richard G. Stearns : Electronic ORDER entered granting 24 Motion to Seal as to Mark Nutter (1). (Johnson, Mary) (Entered: 10/20/2006)
10/20/2006	26	Judge Richard G. Stearns : ORDER entered. as to Mark Nutter. (Johnson, Mary) (Entered: 10/20/2006)
11/08/2006	27	Ex Parte MOTION for Order as to Mark Nutterby USA. (Flaherty, Elaine) (Entered: 11/08/2006)
11/17/2006		Judge Richard G. Stearns : Electronic ORDER entered granting 27 Motion for Order as to Mark Nutter (1). (Johnson, Mary) (Entered: 11/17/2006)
11/17/2006		ELECTRONIC NOTICE OF RESCHEDULING as to Mark Nutter: "The jury trial is re-scheduled to MONDAY, MARCH 12, 2007 AT 9:00 A.M. before Stearns, DJ. Trial Documents shall be filed by March 6, 2007." M. Johnson, Deputy Clerk. (Johnson, Mary) Modified on 11/17/2006 (Johnson, Mary). (Entered: 11/17/2006)
11/30/2006	28	Joint MOTION for Excludable Delay from December 11, 2006 to March 12, 2007 as to Mark Nutterby Mark Nutter, USA. (Connolly, William) (Entered: 11/30/2006)
12/01/2006		Judge Richard G. Stearns : Electronic ORDER entered granting 28 Motion to Exclude as to Mark Nutter (1). "Time is excluded from 12-11-06 to and including 3-12-07." (Johnson, Mary) Modified on 12/1/2006 (Johnson, Mary). (Entered: 12/01/2006)
12/01/2006	29	Judge Richard G. Stearns : Electronic ORDER entered. ORDER ON EXCLUDABLE DELAY as to Mark Nutter.Time excluded from 12/11/2006 until 3/12/2007. (Johnson, Mary) (Entered: 12/01/2006)
02/04/2007	30	MOTION to Continue to 06/11/07 to trial as to Mark Nutter. (Weymouth, Stephen) (Entered: 02/04/2007)
02/09/2007		Judge Richard G. Stearns : Electronic ORDER entered granting 30 Motion to Continue as to Mark Nutter (1): Jury Trial re-scheduled to 6/11/2007 at 09:00 AM in Courtroom 21 before Judge Richard G. Stearns. (Johnson, Mary) Modified on 2/9/2007 (Johnson, Mary). Time excluded from 2-9-07 to 6-11-07. (Entered: 02/09/2007)
05/17/2007	31	MOTION to Continue to August 20, 2007 to trial as to Mark Nutter. (Weymouth, Stephen) (Entered: 05/17/2007)
05/17/2007		Judge Richard G. Stearns : ElectronicORDER entered granting 31 Motion to Continue as to Mark Nutter (1).Jury Trial set for 8/20/2007 09:00 AM in Courtroom 21 before Judge Richard G. Stearns.Voir Dire set for 8/20/2007 09:00 AM in Courtroom 21 before Judge Richard G.





		Stearns. Time excluded from 6-11-07 to 8-20-07. (Johnson, Mary) (Entered: 05/17/2007)
08/07/2007	<u>32</u>	Joint MOTION to Continue <i>Trial</i> as to Mark Nutterby USA. (Connolly, William) (Entered: 08/07/2007)
08/07/2007	<u>32</u>	Judge Richard G. Stearns : Electronic ORDER entered granting <u>32</u> Motion to Continue as to Mark Nutter (1): Jury Trial re-scheduled to 11/13/2007 at 09:00 AM in Courtroom 21 before Judge Richard G. Stearns. Time excluded from 8-20-07 to 11-13-07. (Johnson, Mary) (Entered: 08/07/2007)
08/07/2007	<u>32</u>	Judge Richard G. Stearns : Electronic ORDER entered. ORDER ON EXCLUDABLE DELAY as to Mark Nutter. Time excluded from 8/20/2007 until 11/13/2007. (Johnson, Mary) (Entered: 08/07/2007)
11/06/2007	<u>33</u>	NOTICE OF ATTORNEY APPEARANCE James P. Dowden appearing for USA. (Dowden, James) (Entered: 11/06/2007)
11/06/2007	<u>34</u>	EXHIBIT/WITNESS LIST by USA as to Mark Nutter (Dowden, James) (Entered: 11/06/2007)
11/06/2007	<u>35</u>	EXHIBIT/WITNESS LIST by USA as to Mark Nutter (Dowden, James) (Entered: 11/06/2007)
11/06/2007	<u>36</u>	NOTICE of <i>Expert Disclosures</i> by USA as to Mark Nutter (Attachments: # <u>1</u> Exhibit A# <u>2</u> Exhibit B# <u>3</u> Exhibit c# <u>4</u> Exhibit d)(Dowden, James) (Entered: 11/06/2007)
11/06/2007	<u>37</u>	Proposed Voir Dire by USA as to Mark Nutter (Connolly, William) (Entered: 11/06/2007)
11/06/2007	<u>38</u>	TRIAL BRIEF by USA as to Mark Nutter (Connolly, William) (Entered: 11/06/2007)
11/06/2007	<u>40</u>	MOTION to Seal attached motion/Document as to Mark Nutterby USA. (Flaherty, Elaine) (Entered: 11/08/2007)
11/06/2007	<u>41</u>	MOTION to Seal Document as to Mark Nutterby USA. (Flaherty, Elaine) (Entered: 11/08/2007)
11/07/2007	<u>39</u>	Amended Document/Request for use of Audio Visual Equipment, filed by USA as to Mark Nutter. (Johnson, Mary) (Entered: 11/07/2007)
11/09/2007	<u>42</u>	EXHIBIT/WITNESS LIST by USA as to Mark Nutter (Connolly, William) (Entered: 11/09/2007)
11/09/2007	<u>43</u>	NOTICE of <i>Amended Expert Disclosures</i> by USA as to Mark Nutter (Connolly, William) (Entered: 11/09/2007)
11/09/2007	<u>44</u>	Proposed Jury Instructions by USA as to Mark Nutter (Connolly, William) (Entered: 11/09/2007)
11/11/2007	<u>45</u>	EXHIBIT/WITNESS LIST by Mark Nutter (Weymouth, Stephen) (Entered: 11/11/2007)

11/13/2007	●	Clerk Notes for proceedings held before Judge Richard G. Stearns : Jury Trial as to Mark Nutter held on 11/13/2007, Day 1. AUSA Connolly and AUSA Dowden present for the Government. Atty. Weymouth present with the defendant. Jury of 14 persons selected and sworn. Court gives preliminary instructions to the jury. Government's opening. Adjourn 2:00 P.M. (Court Reporter James Gibbons.) (Johnson, Mary) Modified on 11/21/2007 (Johnson, Mary). (Entered: 11/21/2007)
11/13/2007	●	Electronic Clerk Notes for proceedings held before Judge Richard G. Stearns : Final Pretrial Conference as to Mark Nutter held on 11/13/2007. AUSA Connolly and AUSA Dowden present for the Govt. Atty. Weymouth present for the deft. Court will seat 14 jurors. Alternates to be chosen at end of trial. Trial estimate: 6-7 days. (Court Reporter James Gibbons.) (Johnson, Mary) Modified on 11/26/2007 (Johnson, Mary). (Entered: 11/26/2007)
11/14/2007	●46	MOTION for Material Witness Warrant as to Mark Nutterby USA. (Connolly, William) (Entered: 11/14/2007)
11/14/2007	●	Electronic Clerk Notes for proceedings held before Judge Richard G. Stearns : Jury Trial as to Mark Nutter held on 11/14/2007, Day 2. Defendant's opening. G-1 sworn. Direct. Cross. Re-direct. Re-cross. Excused. G-2 sworn. Direct. Cross. Excused. G-3 sworn. Direct. Cross. Excused. G-4 sworn. Direct. Cross. Re-direct. Re-cross. Excused. G-5 sworn. Direct. Cross. Adjourn 1:05 P.M.(Court Reporter James Gibbons.) (Johnson, Mary) Modified on 11/21/2007 (Johnson, Mary). (Entered: 11/21/2007)
11/15/2007	●	Judge Richard G. Stearns : Electronic ORDER entered granting <u>40</u> Motion to Seal Document as to Mark Nutter (1); granting <u>41</u> Motion to Seal Document as to Mark Nutter (1); granting <u>46</u> Motion for Warrant as to Mark Nutter (1). (Johnson, Mary) (Entered: 11/15/2007)
11/15/2007	●	Electronic Clerk Notes for proceedings held before Judge Richard G. Stearns : Jury Trial as to Mark Nutter held on 11/15/2007, Day 3. G-6 sworn. Direct. Cross. Excused. G-7 sworn. Direct. Cross. Excused. G-8 sworn. Direct. Cross. Excused. G-9 sworn. Direct. Cross. Excused. G-10 sworn. Direct. Adjourn 1:00 P.M. (Court Reporter Debra Joyce.) (Johnson, Mary) Modified on 11/21/2007 (Johnson, Mary). (Entered: 11/21/2007)
11/16/2007	●47	Judge Richard G. Stearns : ORDER WITHDRAWING ARREST WARRANT OF WITNESS entered as to Mark Nutter. (Johnson, Mary) (Entered: 11/19/2007)
11/16/2007	●	Electronic Clerk Notes for proceedings held before Judge Richard G. Stearns : Jury Trial as to Mark Nutter held on 11/16/2007, Day 4. Direct of G-10 continues. Cross. Excused. G-5 re-takes the stand for redirect. Excused. G-11 sworn. Direct. Cross. Excused. G-12 sworn. Direct. Cross. Excused. Adjourn 1:30 P.M. (Court Reporter Debra Joyce.) (Johnson, Mary) Modified on 11/21/2007 (Johnson, Mary). (Entered: 11/21/2007)

11/19/2007	●	Electronic Clerk Notes for proceedings held before Judge Richard G. Stearns : Jury Trial as to Mark Nutter held on 11/19/2007, Day 5. G-13 sworn. Direct. Cross. Re-direct. Excused. G-14 sworn. Direct. Cross. Excused. G-15 sworn. Direct. Cross. Excused. G-16 sworn. Direct. Cross. Re-direct. Excused. G-17 sworn. Direct. Cross. Excused. G-18 sworn. Direct. No cross. Excused. G-19 sworn. Direct. Cross. Excused. G-20 sworn. Direct. Cross. Excused. G-21 sworn. Direct. Cross. Re-direct. Excused. G-22 sworn. Direct. Cross. Excused. Government rests. Defendant files Motion for Judgment of Acquittal at close of Government's evidence. After hearing, the motion is denied. Defendant rests. Defendant files Motion for Judgment of Acquittal at close of all the evidence. After hearing, motion is denied. Jury excused. Court holds charge conference with counsel. Adjourn 3:45 P.M. (Court Reporter James Gibbons.) (Johnson, Mary) Modified on 11/21/2007 (Johnson, Mary). (Entered: 11/21/2007)
11/19/2007	●48	MOTION for Acquittal at Close of the Government's Evidence, filed in open Court as to Mark Nutter.. (Johnson, Mary) (Entered: 11/21/2007)
11/19/2007	●49	MOTION for Acquittal at the Close of all the Evidence filed in openCourt as to Mark Nutter.. (Johnson, Mary) (Entered: 11/21/2007)
11/19/2007	●	Judge Richard G. Stearns : Electronic ORDER entered denying 48 Motion for Acquittal as to Mark Nutter (1); denying 49 Motion for Acquittal as to Mark Nutter (1). (Johnson, Mary) (Entered: 11/21/2007)
11/20/2007	●	Electronic Clerk Notes for proceedings held before Judge Richard G. Stearns : Jury Trial as to Mark Nutter held on 11/20/2007, Day 6. Government's closing 9:02 A.M. to 9:35 A.M. Defendant's closing 9:35 A.M. to 9:58 A.M. Government's rebuttal 9:58 A.M. to 10:01 A.M. Court's charge to jury 10:01 A.M. to 10:30 A.M. Court selects L. Fagioli as foreperson of the jury. Deliberations begin at 10:35 A.M. Jury has lunch at 12:00 Noon. Jury returns with verdict at 1:10 P.M. Jury finds the defendant GUILTY on all 5 counts. Jury excused. Court holds hearing on the issue of revocation of bail. After hearing, the matter is continued to 11-29-07 at 1:45 P.M. Defendant released on same conditions of bail as previously imposed. Sentencing is scheduled for February 13, 2008 at 2:30 P.M. Adjourn 4:00 P.M. All exhibits returned to AFT Agent Matthew Kelsch by Deputy Clerk M. Johnson. (Court Reporter James Gibbons.) (Johnson, Mary) Modified on 11/21/2007 (Johnson, Mary). (Entered: 11/21/2007)
11/20/2007	●50	JURY VERDICT as to Mark Nutter (1) returned in open Court at 1:10 P.M. Guilty on Counts 1,2-4,5. (Johnson, Mary) Modified on 11/21/2007 (Johnson, Mary). (Entered: 11/21/2007)
11/21/2007	●51	Judge Richard G. Stearns : ORDER entered. PROCEDURAL ORDER re sentencing hearing as to Mark Nutter : Sentencing set for 2/13/2008 02:30 PM in Courtroom 21 before Judge Richard G. Stearns. (Johnson, Mary) (Entered: 11/21/2007)
11/29/2007	●	Electronic Clerk Notes for proceedings held before Judge Richard G.

		Stearns : Further Bond Hearing as to Mark Nutter held on 11/29/2007. AUSA Connolly present for the Govt. Atty. Weymouth present with the defendant. After hearing, the Court allows the defendant to remain free on present bail conditions due to medical and family issues, which the Court finds to be exceptional circumstances. Adjourn 2:05 P.M. (Court Reporter James Gibbons.) (Johnson, Mary) Modified on 11/29/2007 (Johnson, Mary). (Entered: 11/29/2007)
11/29/2007	<u>53</u>	Judge Richard G. Stearns : ORDER entered as to Mark Nutter. (Johnson, Mary) (Entered: 11/30/2007)
11/30/2007	<u>52</u>	NOTICE OF APPEAL by Mark Nutter NOTICE TO COUNSEL: A Transcript Report/Order Form, which can be downloaded from the First Circuit Court of Appeals web site at http://www.ca1.uscourts.gov/clerk/transcript.htm MUST be completed and submitted to the Court of Appeals. Appeal Record due by 12/20/2007. (Weymouth, Stephen) (Entered: 11/30/2007)
01/15/2008	<u>54</u>	Certified and Transmitted Record on Appeal as to Mark Nutter to US Court of Appeals re <u>52</u> Notice of Appeal, (Attachments: # 1 docket sheet) (Ramos, Jeanette) (Entered: 01/15/2008)
01/16/2008	<u>55</u>	Letter (non-motion) filed by Mark Nutter. (Johnson, Mary) (Entered: 01/16/2008)
01/24/2008	<u>56</u>	USCA Case Number as to Mark Nutter 08-1097 for <u>52</u> Notice of Appeal, filed by Mark Nutter. (Ramos, Jeanette) (Entered: 01/24/2008)
02/05/2008	<u>57</u>	MOTION to Continue as to Mark Nutter. (Weymouth, Stephen) (Entered: 02/05/2008)
02/06/2008	<u>5</u>	Judge Richard G. Stearns: Electronic ORDER entered denying <u>57</u> Motion to Continue as to Mark Nutter (1). (Johnson, Mary) (Entered: 02/06/2008)
02/07/2008	<u>58</u>	MOTION for Miscellaneous Relief filed under seal as to Mark Nutter. (Johnson, Mary) . (Entered: 02/08/2008)
02/07/2008	<u>5</u>	Judge Richard G. Stearns: Electronic ORDER entered granting <u>58</u> Motion as to Mark Nutter (1). (Johnson, Mary) (Entered: 02/08/2008)
02/08/2008	<u>59</u>	MOTION to self report as to Mark Nutter. (Weymouth, Stephen) Modified on 2/11/2008 (Flaherty, Elaine). (Entered: 02/08/2008)
02/08/2008	<u>60</u>	MOTION for Judicial Recommendation as to Mark Nutter. (Weymouth, Stephen) Modified on 2/11/2008 (Flaherty, Elaine). (Entered: 02/08/2008)
02/08/2008	<u>61</u>	MOTION for release pending appeal as to Mark Nutter. (Weymouth, Stephen) Modified on 2/11/2008 (Flaherty, Elaine). (Entered: 02/08/2008)
02/12/2008	<u>62</u>	Arrest Warrant Returned Executed on 2/8/08. as to Mark Nutter. (Flaherty, Elaine) (Entered: 02/15/2008)

02/13/2008	63	Electronic Clerk Notes for proceedings held before Judge Richard G. Stearns: Sentencing held on 2/13/2008 for Mark Nutter (1). Court adopts PSR. Count(s) 1, 60 months to be served. Supervised Release for 2 years; Count(s) 2-4, 60 months to be served, concurrent with each other and concurrent with Count 1. Supervised Release for 2 years, concurrent with each other and concurrent with Count 1; Count(s) 5, 120 months to be served, ON AND AFTER SENTENCE IMPOSED ON COUNTS 1-4, for a TOTAL SENTENCE of 180 months to be served. Supervised Release for 2 years, concurrent with Counts 1-4. TOTAL SPECIAL ASSESSMENT of \$500 to be paid forthwith. (Court Reporter Marie Cloonan.) (Attorneys present: AUSA Connolly; AUSA Dowden; Atty. Weymouth; USPO Brett Wingard). (Johnson, Mary) Modified on 2/21/2008 (Johnson, Mary). (Entered: 02/21/2008)
02/13/2008	64	Judge Richard G. Stearns: Electronic ORDER entered denying <u>59</u> Motion as to Mark Nutter (1); granting <u>60</u> Motion as to Mark Nutter (1); denying <u>61</u> Motion for Release from Custody as to Mark Nutter (1). (Johnson, Mary) (Entered: 02/21/2008)
02/16/2008	63	MOTION to Correct as to Mark Nutter. (Weymouth, Stephen) (Entered: 02/16/2008)
02/22/2008	64	JUDGMENT and Mandate of USCA (certified copy) as to Mark Nutter re <u>52</u> Notice of Appeal, Upon consideration of appellant's unopposed motion, it is hereby ordered that this appeals be voluntarily DISMISSED pursuant to Fed.R.App.P.42(b), FILED. (Gawlik, Cathy) (Entered: 02/22/2008)
02/22/2008	65	Appeal Record Returned as to Mark Nutter: <u>52</u> Notice of Appeal, (Gawlik, Cathy) (Entered: 02/22/2008)
02/22/2008	65	NOTICE OF APPEAL by Mark Nutter NOTICE TO COUNSEL: A Transcript Report/Order Form, which can be downloaded from the First Circuit Court of Appeals web site at http://www.ca1.uscourts.gov/clerks/transcript.htm MUST be completed and submitted to the Court of Appeals. Appeal Record due by 3/13/2008. (Weymouth, Stephen) (Entered: 02/22/2008)
02/25/2008	66	JUDGMENT of USCA (certified copy) as to Mark Nutter re <u>52</u> Notice of Appeal. Upon consideration of appellant's unopposed motion, it is hereby ordered that this appeal be voluntarily dismissed pursuant to Fed. R. App. P. 42(b). Mandate to issued forthwith. Mandate issued in the USCA 2/20/2008 (Ramos, Jeanette) Modified on 2/28/2008 (Ramos, Jeanette). (Entered: 02/25/2008)
02/25/2008	67	MANDATE of USCA (certified copy) as to Mark Nutter re <u>52</u> Notice of Appeal. Mandate issued in the USCA 2/20/2008 (Ramos, Jeanette) Modified on 2/28/2008 (Ramos, Jeanette). (Entered: 02/25/2008)
02/26/2008	68	Judge Richard G. Stearns: ORDER entered. JUDGMENT as to Mark Nutter (1). Count(s) 1. 60 months to be served. Supervised Release for 2 years; Count(s) 2-4, 60 months to be served, concurrent with each other and concurrent with Count 1. Supervised Release for 2 years. concurrent

		with each other and concurrent with Count 1; Count(s) 5, 120 months to be served, ON AND AFTER SENTENCE IMPOSED ON COUNTS 1-4. Supervised Release for 2 years, concurrent with Counts 1-4. TOTAL SPECIAL ASSESSMENT of \$500 to be paid forthwith. (Johnson, Mary) (Entered: 02/27/2008)
02/26/2008		Judge Richard G. Stearns: Electronic ORDER entered denying <u>63</u> Motion to Correct as to Mark Nutter (1). (Johnson, Mary) (Entered: 02/27/2008)
02/27/2008		Case Terminated as to Mark Nutter. (Johnson, Mary) (Entered: 02/27/2008)
02/28/2008		Notice of correction to docket made by Court staff. Correction: USCA Judgment #66 corrected because: It was attached to the incorrect Notice of Appeal as to Mark Nutter (Ramos, Jeanette) (Entered: 02/28/2008)
02/28/2008		Notice of correction to docket made by Court staff. Correction: USCA Mandate #67 corrected because: It was attached to the incorrect Notice of Appeal as to Mark Nutter (Ramos, Jeanette) (Entered: 02/28/2008)